

SENATE BILL NO. 86

BY SENATOR BUFFINGTON

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 40:4(A)(2), relative to the Sanitary
3 Code; to provide with respect to the duties of a healthcare provider with regard to
4 any general duty to warn concerning communicable diseases; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The introductory paragraph of R.S. 40:4(A)(2) is hereby amended and
8 reenacted to read as follows:

9 §4. Sanitary Code

10 A. The state health officer acting through the office of public health of the
11 Department of Health and Hospitals shall prepare, promulgate, and enforce rules and
12 regulations embodied within the state's Sanitary Code covering all matters within his
13 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
14 Code shall be accomplished in strict accordance with the provisions of the
15 Administrative Procedure Act, and further, in conformity with the following
16 guidelines and directives:

17 * * *

18 (2) In order to prevent the occurrence or spread of communicable diseases,
19 the rules and regulations of the Sanitary Code shall provide for an immunization
20 program and provide for and require the reporting, investigation, and application and
21 implementation of appropriate control measures to expressly include isolation and/or
22 quarantine proceedings and measures, for all communicable diseases of public health
23 significance. **However, no rule or regulation of the Sanitary Code shall impose**
24 **or create any general duty to warn third parties upon any healthcare provider**

1 who has complied with the applicable reporting requirements for communicable
2 diseases as set forth in the Sanitary Code. These rules and regulations shall also
3 be designed to:

4 * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____